IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 99 (S/B) OF 2003

Rajesh Chand Ramola,
Son of Sri Sumer Chand Ramola,
Resident of Village Saur, Patti-Bamund District- Tehri Garhwal.
.....Petitioner.

Versus

1. State of Uttaranchal, through Secretary, Department of Revenue, Dehradun.
2. District Magistrate, Tehri Garhwal.
3. Additional District Magistrate, Tehri Garhwal.

.....Respondents.

19.12.2005

Hon'ble Rajesh Tandon, J.

Heard Sri P.C. Jhingan, learned counsel for the petitioner and learned standing counsel for the State.

By the present writ petition, the petitioner has prayed for a writ or certiorari quashing the impugned order (Annexure-9) passed by the District Magistrate, Tehri Garhwal.

Briefly stated, according to the case of the petitioner, he was appointed as a Class IV employee in the year, 1993 and since then he is intermittently performing his duties in various class IV posts according to the need and requirement of the respondent concerned.

The petitioner was also given a certificate of satisfactory work by the District Magistrate on 16.09.1997.

On 13.09.2001, the petitioner was ordered to work in the election office from 13.09.2001 to 31.12.2001.

On 08.04.2002, the petitioner was again appointed on adhoc basis in the election office by the District Magistrate Tehri Garhwal taking into consideration his past experience of 9 years.

Learned counsel for the petitioner has submitted that the District Magistrate, Tehri Garhwal terminated the services of the petitioner without giving any opportunity to show cause.

The grievance of the petitioner is that the other employees, who have been appointed after the petitioner, are already continuing to work and an order has been passed by the department itself that unless and until, regular selection is taken place the work of one of the employees namely Madan Lal Uniyal may not be disturbed. He has placed reliance on Annexure-10 of the writ petition, where he was appointed on different intervals and the District Magistrate has passed the order that until and unless the permanent employees are not employed and therefore, Sri Madan Lal Uniyal was given the temporary appointment till the regular selected candidates are appointed by the Selection Committee.

A counter affidavit has been filed by the State Counsel, in which it has been mentioned that appointment was on temporary basis and therefore, he has rightly been removed.

The petitioner has not controverted the said fact in as much he has filed an order by which he was appointed on adhoc and thereafter, the termination has been made under the U.P. Government Servant (Termination of Temporary Employees) Rules, 1975.

In reply the petitioner has made an only grievance that once the ad hoc appointment has been made, the petitioner could only be removed if a regular appointment is made and not on the basis of U.P. Government Servant (Termination of Temporary Employees) Rules, 1975.

Taking the aforesaid facts into consideration, the respondent no. 3 is directed to decide the representation of the petitioner in accordance with the order dated 28.05.2001.

Subject to the aforesaid observations, the writ petition is disposed of.

(Rajesh Tandon, J.)

19.12.2005

Rathour